THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

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WRIT PETITION No.28031 of 1996

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DATED: 20-02-2006

Between:

K.Veeranarsimha Varma and others . . .Petitioners

And

The Secretary, Revenue Department, Govt. of AP.,

and others . . .Respondents

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O R D E R:

Mr.Narahari Varma, the father of petitioners 1 and 2 was assigned an extent of Ac.4-94 cents of land in Survey No.414/1, 424/8 and 425/2 of Sadasivapuram Village, K.V.B.Puram Mandal, Chittoor District, on 30-06-1971. The assignee said to have died in 1993.

The Joint Collector, the second respondent herein, issued a show cause notice, dated 20-11-1992, to the petitioners stating that the assignee is no longer residing in that Village and that he alienated the land. The petitioners were directed to show cause as to why the land shall not be resumed by the Government by cancelling the assignment. On behalf of the petitioners, an explanation was submitted and on consideration of the same, the second respondent passed an order, dated 12-09-1996, directing cancellation of the assignment and resumption of the land to the Government. The same is challenged in this writ petition.

The petitioners contend that the original assignee had gone to a Village in Kadapa District for treatment and on that account, it was proceeded with as though he is not a resident of that Village. They further contend that a well was dug and land was brought under cultivation. As regards the land of an extent of Ac.1-50 cents in Survey No.414/1B, the petitioners did not make any claim.

Heard the learned counsel for the petitioners and learned Government Pleader for assignment appearing for respondents.

This Court would have undertaken examination of the matter on merits, had it been a case where the impugned order was passed by an authority not vested with the jurisdiction or where the prescribed procedure was not followed. The second respondent is very much competent to initiate proceedings for cancellation of the assignment in exercise of power under Paragraph No.37 (4) (iii) of the Board Standing Order 15, if it is found that the conditions of assignment have been violated. He followed the prescribed procedure. A remedy of revision is provided for, under the Board Standing Orders, against an order of cancellation. The authority vested with the powers of revision would be in a better position to appreciate and analyse the matter on facts. Therefore, this Court is not inclined to examine the matter on merits. The petitioners have to work out their remedies before the authority concerned.

Hence, the writ petition is disposed of, leaving it open to the petitioners to avail the remedy of revision before the prescribed authority. If the revision is presented within four weeks from today, it shall be entertained without any objection as to the limitation. Status quo obtaining as on today shall be maintained for a period of four weeks. It shall be open to the petitioners to seek

necessary directions pending the revision. There shall be no order as to costs.

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(L.NARASIMHA REDDY, J)

20th FEBRUARY, 2006.

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